

House Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
First Regular Session  
2009

CHAPTER 86

## **HOUSE BILL 2336**

AN ACT

AMENDING TITLE 9, CHAPTER 4, ARTICLE 8, ARIZONA REVISED STATUTES, BY ADDING SECTION 9-499.14; AMENDING TITLE 11, CHAPTER 2, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 11-254.07; RELATING TO RENEWABLE ENERGY INCENTIVE DISTRICTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 9, chapter 4, article 8, Arizona Revised Statutes, is  
3 amended by adding section 9-499.14, to read:

4 9-499.14. Renewable energy incentive districts; definition

5 A. THE GOVERNING BODY OF A CITY OR TOWN MAY DESIGNATE A RENEWABLE  
6 ENERGY INCENTIVE DISTRICT IN AN AREA IN THE CITY OR TOWN IF ALL OF THE  
7 FOLLOWING APPLY:

8 1. THE PROPOSED DISTRICT CONSISTS OF VACANT OR UNDERUSED PARCEL OR  
9 PARCELS OF PROPERTY, OR OTHER PARCEL OR PARCELS OF PROPERTY THE GOVERNING  
10 BODY DEEMS SUITABLE FOR RENEWABLE ENERGY EQUIPMENT, THAT ARE APPROPRIATE  
11 SIZES FOR THE CONSTRUCTION AND OPERATION OF RENEWABLE ENERGY EQUIPMENT. THE  
12 GOVERNING BODY MAY DESIGNATE PORTIONS OF LAND OR NONCONTIGUOUS PORTIONS OF  
13 LAND AS A RENEWABLE ENERGY DISTRICT OR DISTRICTS.

14 2. THE PROPOSED DISTRICT IS LOCATED WITHIN AN AREA OF THE CITY OR TOWN  
15 SO THAT THE CONSTRUCTION AND OPERATION OF RENEWABLE ENERGY EQUIPMENT WOULD  
16 NOT BE INCOMPATIBLE WITH OTHER USES OF PROPERTY IN THE AREA CONSIDERING  
17 FACTORS RELATING TO THE CONSTRUCTION AND OPERATION OF RENEWABLE ENERGY  
18 EQUIPMENT INCLUDING:

19 (a) THE ABILITY TO ADEQUATELY BUFFER THE DISTRICT FROM SURROUNDING  
20 INCOMPATIBLE USES.

21 (b) THE NOISE LEVEL EMANATING FROM THE DISTRICT ALONE AND IN RELATION  
22 TO AMBIENT NOISE LEVELS AT THE PERIMETER OF THE PROPERTY FALLING WITHIN THE  
23 PROPOSED DISTRICT AND RELATIVE TO OTHER ADJACENT LANDS.

24 (c) THE EXTENT TO WHICH THE DISTRICT WOULD BE LOCATED IN PROXIMITY TO  
25 EXISTING TRANSPORTATION AND ELECTRICAL TRANSMISSION CORRIDORS.

26 (d) COMPATIBILITY WITH COMMERCIAL AND MILITARY AIR SPACE REQUIREMENTS.

27 3. THE GOVERNING BODY HAS EVALUATED THE EXTENT TO WHICH THE PROPOSED  
28 DISTRICT IS CONSISTENT WITH THE EXISTING GENERAL PLAN AND HAS DETERMINED THAT  
29 THE PROPOSED DISTRICT DOES NOT CONFLICT WITH THE PLAN. THE GOVERNING BODY  
30 MAY DETERMINE THAT THE DISTRICT IS NOT A MAJOR AMENDMENT TO THE GENERAL PLAN  
31 PURSUANT TO SECTION 9-461.06.

32 B. IF THE GOVERNING BODY ESTABLISHES A RENEWABLE ENERGY INCENTIVE  
33 DISTRICT, IT SHALL ADOPT A RENEWABLE ENERGY INCENTIVE PLAN TO ENCOURAGE THE  
34 CONSTRUCTION AND OPERATION OF RENEWABLE ENERGY EQUIPMENT IN THE DISTRICT. THE  
35 PLAN MAY INCLUDE:

36 1. EXPEDITED ZONING OR REZONING PROCEDURES.

37 2. EXPEDITED PROCESSING OF PLANS, PROPOSALS AND PERMITS.

38 3. WAIVERS OR ABATEMENT OF ZONING FEES, PROCESSING FEES, AND  
39 IMPROVEMENT DISTRICT FEES AND ASSESSMENTS FOR DEVELOPMENT ACTIVITIES.

40 4. WAIVER OR ABATEMENT OF DEVELOPMENT STANDARDS AND PROCEDURAL  
41 REQUIREMENTS.

42 C. FOR THE PURPOSES OF THIS SECTION, "RENEWABLE ENERGY EQUIPMENT" HAS  
43 THE SAME MEANING AS PRESCRIBED IN SECTION 42-14155.

1       Sec. 2. Title 11, chapter 2, article 4, Arizona Revised Statutes, is  
2 amended by adding section 11-254.07, to read:

3       11-254.07. Renewable energy incentive districts; definition

4       A. THE BOARD OF SUPERVISORS MAY DESIGNATE A RENEWABLE ENERGY INCENTIVE  
5 DISTRICT IN ANY UNINCORPORATED AREA OF THE COUNTY IF ALL OF THE FOLLOWING  
6 APPLY:

7       1. THE PROPOSED DISTRICT CONSISTS OF VACANT OR UNDERUSED PARCEL OR  
8 PARCELS OF PROPERTY, OR OTHER PARCEL OR PARCELS OF PROPERTY THE BOARD OF  
9 SUPERVISORS DEEMS SUITABLE FOR RENEWABLE ENERGY EQUIPMENT, THAT ARE  
10 APPROPRIATE SIZES FOR THE CONSTRUCTION AND OPERATION OF RENEWABLE ENERGY  
11 EQUIPMENT. THE BOARD OF SUPERVISORS MAY DESIGNATE LARGE PORTIONS OF  
12 UNINCORPORATED COUNTY LAND OR NONCONTIGUOUS PORTIONS OF LAND AS A RENEWABLE  
13 ENERGY DISTRICT OR DISTRICTS.

14       2. THE PROPOSED DISTRICT IS LOCATED WITHIN AN AREA OF THE COUNTY SO  
15 THAT THE CONSTRUCTION AND OPERATION OF RENEWABLE ENERGY EQUIPMENT WOULD NOT  
16 BE INCOMPATIBLE WITH OTHER USES OF PROPERTY IN THE AREA CONSIDERING FACTORS  
17 RELATING TO THE CONSTRUCTION AND OPERATION OF RENEWABLE ENERGY EQUIPMENT  
18 INCLUDING:

19       (a) THE ABILITY TO ADEQUATELY BUFFER THE DISTRICT FROM SURROUNDING  
20 INCOMPATIBLE USES.

21       (b) THE NOISE LEVEL EMANATING FROM THE DISTRICT ALONE AND IN RELATION  
22 TO AMBIENT NOISE LEVELS AT THE PERIMETER OF THE PROPERTY FALLING WITHIN THE  
23 PROPOSED DISTRICT AND RELATIVE TO OTHER ADJACENT LANDS.

24       (c) THE EXTENT TO WHICH THE DISTRICT WOULD BE LOCATED IN PROXIMITY TO  
25 EXISTING TRANSPORTATION AND ELECTRICAL TRANSMISSION CORRIDORS.

26       (d) COMPATIBILITY WITH COMMERCIAL AND MILITARY AIR SPACE REQUIREMENTS.

27       3. THE BOARD OF SUPERVISORS HAS EVALUATED THE EXTENT TO WHICH THE  
28 PROPOSED DISTRICT IS CONSISTENT WITH THE EXISTING COUNTY COMPREHENSIVE PLAN  
29 AND HAS DETERMINED THAT THE PROPOSED DISTRICT DOES NOT CONFLICT WITH THE  
30 PLAN. THE BOARD OF SUPERVISORS MAY DETERMINE THAT THE DISTRICT IS NOT A MAJOR  
31 AMENDMENT TO THE COUNTY COMPREHENSIVE PLAN PURSUANT TO SECTION 11-824.

32       B. BEFORE ESTABLISHING A RENEWABLE ENERGY INCENTIVE DISTRICT, THE  
33 BOARD OF SUPERVISORS SHALL:

34       1. IDENTIFY THE BOUNDARIES OF THE PROPOSED DISTRICT.

35       2. NOTIFY THE OWNERS OF PRIVATE PROPERTY IN THE PROPOSED DISTRICT,  
36 PROPERTY MANAGERS OF FEDERAL AND STATE LAND IN THE PROPOSED DISTRICT AND ALL  
37 PROPERTY OWNERS WITH LAND WITHIN ONE MILE OF THE OUTER PERIMETER OF THE  
38 PROPOSED DISTRICT BY FIRST CLASS MAIL SENT TO THE ADDRESSES ON THE MOST  
39 RECENT TAX ROLL. THE NOTICE SHALL BE MAILED AT LEAST FIFTEEN DAYS BEFORE THE  
40 HEARING HELD PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION.

41       3. PUBLISH NOTICE OF THE PROPOSED DISTRICT IN A NEWSPAPER OF GENERAL  
42 CIRCULATION IN THE COUNTY ONCE EACH WEEK FOR TWO CONSECUTIVE WEEKS BEFORE THE  
43 HEARING HELD PURSUANT TO PARAGRAPH 4 OF THIS SUBSECTION.

1           4. HOLD AT LEAST ONE PUBLIC HEARING IN THE COUNTY SUPERVISORIAL  
2 DISTRICT IN WHICH THE PROPOSED DISTRICT IS LOCATED TO PROVIDE INFORMATION AND  
3 RECEIVE PUBLIC COMMENTS.

4           C. IF, AFTER THE HEARING, IT APPEARS TO THE BOARD OF SUPERVISORS THAT  
5 THE PUBLIC INTEREST, CONVENIENCE AND WELFARE WILL BE SERVED BY ESTABLISHING A  
6 RENEWABLE ENERGY INCENTIVE DISTRICT, THE BOARD OF SUPERVISORS MAY ESTABLISH  
7 THE DISTRICT BY ADOPTING A RESOLUTION STATING THE REASONS FOR ESTABLISHING  
8 THE DISTRICT, THE SPECIFIC CONDITIONS DESCRIBED IN SUBSECTION A OF THIS  
9 SECTION THAT QUALIFY THE AREA FOR A DISTRICT AND PROVISIONS FOR THE ORDERLY  
10 AND BENEFICIAL REDEVELOPMENT OF THE DISTRICT.

11           D. IF THE BOARD OF SUPERVISORS ESTABLISHES A RENEWABLE ENERGY  
12 INCENTIVE DISTRICT, IT SHALL ADOPT A RENEWABLE ENERGY INCENTIVE PLAN TO  
13 ENCOURAGE THE CONSTRUCTION AND OPERATION OF RENEWABLE ENERGY EQUIPMENT IN THE  
14 DISTRICT. THE PLAN MAY INCLUDE:

15           1. EXPEDITED ZONING OR REZONING PROCEDURES.

16           2. EXPEDITED PROCESSING OF PLANS, PROPOSALS AND PERMITS.

17           3. WAIVERS OR ABATEMENT OF COUNTY ZONING FEES, PROCESSING FEES, AND  
18 COUNTY IMPROVEMENT DISTRICT FEES AND ASSESSMENTS FOR DEVELOPMENT ACTIVITIES.

19           4. WAIVER OR ABATEMENT OF DEVELOPMENT STANDARDS AND PROCEDURAL  
20 REQUIREMENTS.

21           E. FOR THE PURPOSES OF THIS SECTION, "RENEWABLE ENERGY EQUIPMENT" HAS  
22 THE SAME MEANING AS PRESCRIBED IN SECTION 42-14155.

APPROVED BY THE GOVERNOR JULY 10, 2009.

FILED IN THE OFFICE OF THE SECRETARY OF STATE JULY 10, 2009.